FILED
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U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. OLUSOLA LUKE , Defendant.	Ca **4:17CR00107 HEA/SPM** **Filed Under Seal** 18 U.S.C. § 371 18 U.S.C. § 641 18 U.S.C. § 1028A 18 U.S.C. § 1029(a)(3)

INDICTMENT

The Grand Jury charges that:

At all times relevant to this indictment herein:

1. The defendant, **OLUSOLA LUKE**, was a citizen of Nigeria who resided with other co-conspirators in the St. Louis Metropolitan area, in the Eastern District of Missouri, and elsewhere.

2. The defendant, **OLUSOLA LUKE**, controlled and utilized the email account MUCHEFYZY@GMAIL.COM, and other email addresses known and unknown to the grand jury.

3. A known co-conspirator, not named as a defendant herein, (hereinafter referred to as "CC-1") was a citizen of Nigeria residing in St. Louis City and St. Louis County, in the Eastern District of Missouri, and elsewhere.

4. The address, 5330 Queens, St. Louis, MO 63115, is a location in the Eastern District of Missouri known to be controlled by the defendant, **OLUSOLA LUKE**, and CC-1.

5. The address, 232 Freedom Dr, Apt A, Belleville, IL 62226, is a location in the Southern District of Illinois known to be controlled by the defendant, **OLUSOLA LUKE**, and CC-1.

6. "J.H." was a resident of Sherburne County in the District of Minnesota.

7. "C.R." was a resident of Broward County in the Southern District of Florida.

8. Personal Identification Information (hereinafter "PII") includes, but is not limited to; name, date of birth, address, social security number, bank account numbers, bank routing

numbers, Driver's License numbers, and any other name or number that may be used alone or in conjunction with any other information to identify a specific individual, or to obtain money, goods, or any other thing of value.

9. Google, Inc. was an internet service provider whose normal activities took place in interstate and foreign commerce and which had an effect on interstate and foreign commerce.

10. Yahoo, Inc. was an internet service provider whose normal activities took place in interstate and foreign commerce and which had an effect on interstate and foreign commerce.

11. First Tech Federal Credit Union was a financial institution in the District of Oregon, the accounts and deposits of which were federal insured by the National Credit Union Administration. First Tech Federal Credit Union was an organization whose normal activities took place in interstate and foreign commerce and which had an effect on interstate and foreign commerce.

12. Citibank was a financial institution in the District of South Dakota, the accounts and deposits of which were insured by the Federal Deposit Insurance Corporation. Citibank was an organization whose normal activities took place in interstate and foreign commerce and which had an effect on interstate and foreign commerce.

13. Wells Fargo was a financial institution in the Northern District of California, the accounts and deposits of which were insured by the Federal Deposit Insurance Corporation. Wells Fargo was an organization whose normal activities took place in interstate and foreign commerce and which had an effect on interstate and foreign commerce.

14. Bank of America was a financial institution in the Western District of North Carolina, the accounts and deposits of which were insured by the Federal Deposit Insurance Corporation. Bank of America was an organization whose normal activities took place in interstate and foreign commerce and which had an effect on interstate and foreign commerce.

15. IRS.gov is the official website of the Internal Revenue Service ("IRS"), a bureau of the Department of the Treasury, within the United States federal government. The Internal Revenue Service was an organization whose normal activities took place in interstate commerce and which had an effect on interstate commerce.

COUNT ONE

Paragraphs 1 through 15 of this indictment are re-alleged and incorporated by reference as if fully set forth herein.

16. From at least October 2013, up to and including in or about February 2015, in the Eastern District of Missouri and elsewhere, **OLUSOLA LUKE**, the defendant, did knowingly and willfully conspire with others known and unknown to the grand jury to violate the following sections of the United States Code:

    a. Section 641, Title 18, United States Code, that is, to embezzle, steal, purloin and knowingly convert to their own use or the use of another, in excess of $1000 in money or thing of value of the United States of America;

    b. Section 1028A(a)(1), Title 18, United States Code, that is, knowingly use without lawful authority, a means of identification of another person, during and in relation to the offense of theft of public money in violation of Title 18, United States Code Section 641;

    c. Section 1029(a)(3), Title 18, United States Code, that is, knowingly and with intent to defraud possessed fifteen or more unauthorized access devices.

17. It was the object of the conspiracy for the defendant, **OLUSOLA LUKE**, and others, to unlawfully enrich themselves by stealing fraudulent tax refunds issued by the IRS that were a result of false federal tax returns filed using stolen identities of unsuspecting taxpayers.

MANNER AND MEANS

18. The object of the conspiracy was to be accomplished by the following manner and means:

19. It was a part of the conspiracy that the defendant, **OLUSOLA LUKE**, and others, would and did unlawfully obtain, transfer, and possess unauthorized PII, including but not limited to, the names, social security numbers, dates of birth, and addresses, of unsuspecting taxpayers, as a means of identification to commit violations of federal and state law. The unauthorized PII was possessed and transferred by the defendant using the email account MUCHEFYZY@GMAIL.COM.

20. It was a part of the conspiracy that the defendant, **OLUSOLA LUKE**, and others, would use the unauthorized PII to create fictitious email address accounts that were similar to the names of the unsuspecting taxpayers. These new email addresses were entirely controlled by the defendant and others. All message content from these new email addresses would be forwarded back to the email address MUCHEFYZY@GMAIL.COM.

21. It was a part of the conspiracy that the defendant, **OLUSOLA LUKE**, and others, would and did use at least thirty-five stolen identities to create unauthorized log-in credentials on a U.S. Government website, to wit: WWW.IRS.GOV, in order to access taxpayer information and/or historical tax return information that would be used in furtherance of the scheme. Each attempt to access this information resulted in an email being sent by the IRS to the taxpayer's email address on record, which was controlled by the defendant

and others. These confirmation emails from the IRS were forwarded back to the email address MUCHEFYZY@GMAIL.COM.

22. It was a part of the conspiracy that the defendant, **OLUSOLA LUKE**, and CC-1, opened bank accounts at financial institutions located in the Eastern District of Missouri and elsewhere, in order to receive fraudulent tax refunds into these bank accounts. These bank accounts were opened and maintained in the name and identity of CC-1 or business names created by CC-1.

23. It was a part of the conspiracy that the defendant, **OLUSOLA LUKE**, and others, opened and maintained numerous bank accounts at financial institutions across the United States using the stolen identities of unsuspecting taxpayers, in order to receive fraudulent tax refunds into these bank accounts. These bank accounts were entirely controlled by the defendant, **OLUSOLA LUKE**, and others.

24. It was a part of the conspiracy that the defendant, **OLUSOLA LUKE**, and others, would and did create entirely false federal tax returns using the stolen identities of unsuspecting taxpayers. These false tax returns would contain false income, false withholdings, and other false figures which would result in a fraudulent tax refund to be issued by the IRS. These false tax returns would be filed using the email addresses previously created and controlled by the defendant and others. These fraudulent tax refunds would be directed into bank accounts previously created and controlled by the defendant and others.

25. It was a part of the conspiracy that the defendant, **OLUSOLA LUKE**, and others, unlawfully, willfully and knowingly attempted to receive one-hundred fifty-three fraudulent federal tax refunds, which are property of the U.S. Government, totaling $3,501,929. Each of these fraudulent tax refunds were associated with false tax returns filed with the IRS using at least one-hundred fifty-three stolen identities.

26. It was a part and an object of the conspiracy that the defendant, **OLUSOLA LUKE**, and others, willfully and knowingly would and did intentionally embezzle, steal and purloin money of the United States, to wit: 68 federal tax refunds totaling $734,063 generated by the filing of false federal tax returns using stolen identities.

27. It was a part of the conspiracy that the defendant, **OLUSOLA LUKE**, and others, received fraudulent tax refunds into the bank accounts in the name of CC-1, business names created by CC-1, or in the names of unsuspecting taxpayers. The proceeds of the fraudulent tax refunds, or a portion thereof, would then be sent to the defendant, **OLUSOLA LUKE**, under the guise of legitimate business income.

28. It was a part of the conspiracy that once the defendant, **OLUSOLA LUKE**, received the proceeds of the fraudulent tax refunds he would use the proceeds for his own personal enrichment and/or transfer the proceeds to banks overseas.

OVERT ACTS

29. In order to accomplish the object of the conspiracy, the defendant, **OLUSOLA LUKE**, and others committed the following acts in furtherance of the conspiracy, including but not limited to:

30. On or about October 3, 2013, the defendant, **OLUSOLA LUKE**, exchanged electronic communications with CC-1 regarding CC-1's unsuccessful attempt to file tax returns using stolen identities and the importance of starting early the following year before the victims file their own tax returns.

31. On or about October 22, 2013, the defendant, **OLUSOLA LUKE**, exchanged an email with CC-1 which contained the stolen identities of one-hundred individuals. The defendant, **OLUSOLA LUKE**, instructed CC-1 to create new email accounts for each of the one-hundred stolen identities he provided, create a single password for each of the newly created emails, and forward all messages to these new email addresses to an email address created and controlled by the defendant, **OLUSOLA LUKE.**

32. On or about November 8, 2013, CC-1 exchanged an email message with the defendant, **OLUSOLA LUKE**, that contained email addresses adjacent to ninety-four of the names and dates of birth that were provided on or about October 22, 2013. This email message also contained the single password used to access each of the ninety-four email addresses.

33. On or about January 27, 2014, the defendant, **OLUSOLA LUKE**, opened two bank accounts at a Bank of America location in St. Louis, in the Eastern District of Missouri, using his true identity information. Each new account directed the monthly statements to one of the following addresses; 1) 5330 Queens, St. Louis, MO 63115, or 2) 232 Freedom Dr, Apt A, Belleville, IL 62226. These bank accounts would later be used to receive proceeds of fraudulent tax refunds and move those funds overseas.

34. On or about October 25, 2013, the defendant, **OLUSOLA LUKE**, and others created the email address JOHNHEURUNG@GMAIL.COM. After the creation of the email address account all of the messages sent to JOHNHEURUNG@GMAIL.COM were automatically forwarded to the defendant's email address, MUCHEFYZY@GMAIL.COM.

35. Between at least in or about December 2013 and at least in or about March 2015, the defendant, **OLUSOLA LUKE**, and others, electronically submitted applications to open seven bank accounts at First Tech Federal Credit Union, using the name, social security number, date of birth, Minnesota Driver's License number, and employer of J.H., an unsuspecting taxpayer residing in Minnesota. Based on these applications, First Tech Federal Credit Union opened seven bank accounts using the stolen identity of J.H. Each new account that contained the stolen identity of J.H. also contained the email address JOHNHEURUNG@GMAIL.COM, an email account controlled by the defendant, **OLUSOLA LUKE**, and CC-1. Each new account that contained the stolen identity of

J.H. directed the monthly statements to one of the following addresses; 1) 5330 Queens, St. Louis, MO 63115, or 2) 232 Freedom Dr, Apt A, Belleville, IL 62226.

36. Between at least in or about December 2013 and at least in or about April 2, 2015, the defendant, **OLUSOLA LUKE**, and others, electronically submitted applications to open two bank accounts at Citibank, using the name, social security number, date of birth, Minnesota Driver's License number, and employer of J.H., an unsuspecting taxpayer residing in Minnesota. Based on these applications, Citibank opened two bank accounts using the stolen identity of J.H. Each new account that contained the stolen identity of J.H. also contained the email address JOHNHEURUNG@GMAIL.COM, an email account controlled entirely by the defendant, **OLUSOLA LUKE**, and CC-1. Each new account that contained the stolen identity of J.H. directed the monthly statements to one of the following addresses; 1) 5330 Queens, St. Louis, MO 63115, or 2) 232 Freedom Dr, Apt A, Belleville, IL 62226.

37. Between at least January 29, 2014 and at least March 13, 2015, the defendant, **OLUSOLA LUKE**, and others, electronically filed fifty-three entirely false tax returns using stolen identities with the IRS which directed each of their respective fraudulent tax refunds into one or more of the First Tech Federal Credit Union and Citibank bank accounts opened with the stolen identity of J.H.

38. Between at least March 5, 2014 and at least May 13, 2015, the defendant, **OLUSOLA LUKE**, and others, received thirty-one fraudulent tax refunds totaling $348,568 into the bank accounts opened with the stolen identity of J.H. Each of these fraudulent tax refunds are property of the U.S. Government.

39. Between at least April 13, 2014 and at least March 14, 2015, the defendant, **OLUSOLA LUKE**, and others, wrote twenty-six checks totaling $193,880 from the First Tech Federal Credit Union and Citibank bank accounts opened using the stolen identity of J.H. to the defendant, **OLUSOLA LUKE**.

40. Between at least in or about January 2014 and at least in or about March 2015, the defendant, **OLUSOLA LUKE**, and others, submitted applications to open nine bank accounts at Wells Fargo, using the name, social security number, date of birth, and Florida Driver's License number, of C.R., an unsuspecting taxpayer residing in Florida. Based on these applications, Wells Fargo opened nine accounts using the stolen identity of C.R. Each new account that contained the stolen identity of C.R. directed the monthly statements to one of the following addresses; 1) 5330 Queens, St. Louis, MO 63115, or 2) 232 Freedom Dr, Apt A, Belleville, IL 62226.

41. Between at least March 6, 2014 and at least April 5, 2015, the defendant, **OLUSOLA LUKE**, and others, electronically filed twenty-four entirely false tax returns using stolen identities with the IRS which directed each of their respective fraudulent tax refunds into one or more of the Wells Fargo bank accounts opened with the stolen identity of C.R.

42. Between at least March 13, 2014 and at least May 13, 2015, the defendant, **OLUSOLA LUKE**, and others, received eleven fraudulent tax refunds totaling $155,203 into the Wells Fargo bank accounts opened with the stolen identity of C.R. Each of these fraudulent tax refunds were property of the U.S. Government.

43. Between at least April 26, 2014 and at least March 23, 2015, the defendant, **OLUSOLA LUKE**, and others, wrote thirteen checks totaling $72,800 from the Wells Fargo bank accounts opened using the stolen identity of C.R. to the defendant, **OLUSOLA LUKE.**

44. Between at least in or about February 2013 and at least in or about February 2015, the defendant, **OLUSOLA LUKE**, and CC-1 established sixty bank accounts ("Accounts") at eight particular financial institutions in the Eastern District of Missouri, and elsewhere.

45. Between at least February 2014 and at least February 2015, the defendant, **OLUSOLA LUKE**, and others, electronically filed seventy-six false tax returns using stolen identities with the IRS which directed each of the respective fraudulent tax refunds into one or more of CC-1's Accounts.

46. Between at least March 2014 and at least March 2015, the defendant, **OLUSOLA LUKE**, and others, received twenty-six fraudulent tax refunds totaling $230,292 into CC-1's Accounts. Each of these fraudulent tax refunds were the property of the U.S. Government.

47. Between at least March 2014 and at least March 2015, the defendant, **OLUSOLA LUKE**, and others, wrote thirty-four checks payable to the defendant, **OLUSOLA LUKE**, totaling $202,968, all of which were the proceeds of fraudulent federal tax refunds.

48. Between at least March 5, 2014 and at least May 13, 2015, the defendant, **OLUSOLA LUKE**, received at least $469,648 in total proceeds of fraudulent tax refunds from the bank accounts of CC-1 and the bank accounts using the stolen identities of J.H. and C.R.

49. In or about February 2015, the defendant, **OLUSOLA LUKE**, assisted CC-1 in fleeing the United States after learning CC-1 was wanted by federal law enforcement for his involvement in this scheme.

50. Between at least March 21, 2014 and at least March 26, 2015, the defendant, **OLUSOLA LUKE**, sent forty international wire transfers totaling $347,195. Thirty-two of those wire transfers were sent to LUKE's accounts at various overseas financial institutions. Eight of those wire transfers were sent to other individuals or businesses with foreign accounts. This includes one wire transfer of $2,500 to CC-1 on March 6, 2015, more than a week after CC-1 fled the United States to avoid prosecution.

In violation of Title 18, United States Code, Section 371.

COUNT TWO

Paragraphs 1 through 50 of this indictment are re-alleged and incorporated by reference as if fully set forth herein.

51. From at least February 2014, up to and including in or about March 2015, in the Eastern District of Missouri and elsewhere, the defendant, **OLUSOLA LUKE**, and others, unlawfully, willfully and knowingly would and did intentionally embezzle, steal and purloin money of the United States, to wit: 68 refunds totaling $734,063 generated by the filing of false and fraudulent federal tax returns using stolen identities of unsuspecting taxpayers.

In violation of Title 18, United States Code, Section 641 and 2.

COUNT THREE

Paragraphs 1 through 51 of this indictment are re-alleged and incorporated by reference as if fully set forth herein.

52. Between at least in or about December 2013 and at least in or about March 2015, during and in relation the offense of theft of public money in violation of Title 18, United States Code Section 641 as alleged in Count Two, the defendant, **OLUSOLA LUKE**, did knowingly use without lawful authority, a means of identification of J.H., to wit: the name, social security account number, date of birth, and Minnesota State Driver's License Number of J.H.

In violation of Title 18, United States Code, Section 1028A(a)(1) and 2.

A TRUE BILL.

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FOREPERSON

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